

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 23-748 KWR

SOLOMON PEÑA
DEMETRIO TRUJILLO, and
JOSE LOUISE TRUJILLO,

Defendants.

ORDER DECLARING CASE COMPLEX

THIS MATTER HAVING COME before the Court on Defendants' unopposed joint motion to declare this case complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii) (Doc.78), the Court, having reviewed the motion and considering the record from the July 11, 2023 scheduling conference, and there being no opposition from the United States,

HEREBY FINDS the government has to date disclosed voluminous discovery including thousands of pages of discovery and voluminous digital discovery, including two external hard drives, and more discovery may be disclosed by the United States; defense counsel have represented that the case also appears at this juncture to possibly involve multiple novel and complex legal issues under the charging statutes as briefly summarized by defense counsel at the July 11, 2023 scheduling conference; in order to provide defense counsel with a reasonable amount of time for effective preparation, including reviewing the voluminous discovery, opportunity to engage in investigation of the circumstances, and adequate time to raise and

litigate the legal issues; this case is so complex that it is unreasonable to expect the defendants to adequately prepare for trial within the 70-day time limit established by 18 U.S.C. § 3161(c)(1); a failure to grant the motion and require the defendants to proceed to trial within the 70-day time limit, and likely would result in a miscarriage of justice by denying the defendants adequate opportunity to review the evidence, conduct their own investigations, and resolve any legal issues which may directly impact the outcome of this case; and pursuant to 18 U.S.C. § 3161(h)(7)(A), based on the motion and the record of the July 11, 2023 scheduling conference, the ends of justice served by granting this motion outweigh the best interest of the public and the defendants in a speedy trial.

THIS COURT HEREBY ORDERS the unopposed joint motion to declare this case complex is well-taken and is GRANTED, the ends of justice served by granting the motion, and (1) this case is designated a complex case pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii); (2) any and all existing discovery orders and the trial and pretrial deadlines presently set in the case are vacated; (3) the parties are directed to submit a proposed discovery and case management scheduling order within 14 days of the filing of this order; (4) the time limits, retroactive to June 28, 2023 nunc pro tunc, of the Speedy Trial Act, as it pertains to the defendants, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), are tolled; and (5) interim billing by CJA appointed defense counsels is permitted.

IT IS SO ORDERED.



THE HONORABLE KEA W. RIGGS
UNITED STATES DISTRICT COURT JUDGE

APPROVED BY:

/s/ Todd B. Hotchkiss
TODD B. HOTCHKISS
Attorney for DEMETRIO TRUJILLO

Approved by email, July 12, 2023
ELIZABETH A. HONCE
Attorney for SOLOMON PEÑA

Approved by email, July 12, 2023
JOHN C. ANDERSON
Attorney for JOSE LOUISE TRUJILLO

Approved by email, July 13, 2023
VICTOR R. SALGADO
JEREMY PEÑA
PATRICK E. CORDOVA
ASSISTANT UNITED STATES ATTORNEYS
Attorneys for the UNITED STATES OF AMERICA